

FILED

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J. YAGI, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

ELLEN J. O'PHELAN and DAN J. O'PHELAN,

Plaintiffs,

vs.

JEFF MEEK AND MARYLOU ASKREN,

Defendants.

CIVIL No. 08-1 -0257

SUMMONS AND COMPLAINT

COMPLAINT

Come now, Plaintiff herein, and for cause of action against the above-named Defendants alleges:

1. Plaintiff DAN O'PHELAN and ELLEN O'PHELAN are residents of the State of Alaska;

2. Defendants JEFF MEEK and MARYLOU ASKREN and (hereinafter referred to as Defendant) is a resident of the County of Hawaii, State of Hawaii;

I hereby certify that this is a full, true and correct copy of the original on file in this office.

Complaint
O'Phelan v. Meek/Askren

Clerk, Third Circuit Court, State of Hawaii

4. In Hilo, Hawaii on May 18th, 2008 in the upper floor bedroom of 319 Haili Street, Defendant Jeffrey Meek sexually assaulted Plaintiff Ellen O'Phelan, in violation of HRS § 707-733. Sexual assault in the fourth degree.
5. In Hilo, Hawaii on May 18th, 2008 in the upper floor bedroom of 319 Haili Street, Defendant Jeffrey Meek sexually assaulted Plaintiff Ellen O'Phelan, in violation of HRS § 707-731. Sexual assault in the second degree
6. In Hilo, Hawaii on May 18th, 2008 in the upper floor bedroom of 319 Haili Street, Defendant Jeffrey Meek sexually assaulted Plaintiff Ellen O'Phelan, in violation of HRS § 707-732. Sexual assault in the third degree.
7. In Hilo, Hawaii on May 18th, 2008 in the upper floor bedroom of 319 Haili Street, Defendant Jeffrey Meek sexually assaulted Plaintiff Ellen O'Phelan, in violation of HRS § 707-731. Sexual assault in the first degree
8. In Hilo, Hawaii on May 18th, 2008 in the upper floor bedroom of 319 Haili Street, Defendant Jeffrey Meek unlawfully imprisoned Plaintiff Ellen O'Phelan, in violation of HRS § 707-722. Unlawful imprisonment in the second degree.
9. In Hilo, Hawaii on May 18th, 2008 in the upper floor bedroom of 319 Haili Street, Defendant Jeffrey Meek unlawfully imprisoned Plaintiff Ellen O'Phelan, in violation of HRS § 707-721. Unlawful imprisonment in the first degree.
10. In Hilo, Hawaii on May 18th, 2008 in the upper floor bedroom of 319 Haili Street, Defendant Jeffrey Meek kidnapped Plaintiff Ellen O'Phelan, in violation of HRS § 707-720. Kidnapping.

11. In Hilo, Hawaii on May 18th, 2008 in the upper floor bedroom of 319 Haili Street, Defendant Jeffrey Meek assaulted Plaintiff Ellen O'Phelan HRS § 707-712. Assault in the third degree.
12. In Hilo, Hawaii on May 18th, 2008 in the upper floor bedroom of 319 Haili Street, Defendant Jeffrey Meek assaulted Plaintiff Ellen O'Phelan HRS § 707-711. Assault in the second degree.
13. In Hilo, Hawaii on May 18th, 2008 in the upper floor bedroom of 319 Haili Street, Defendant Jeffrey Meek assaulted Plaintiff Ellen O'Phelan HRS § 707-710. Assault in the first degree.
14. In Hilo, Hawaii on May 18th, 2008 in the upper floor bedroom of 319 Haili Street, Defendant Jeffrey Meek harassed Plaintiff Ellen O'Phelan HRS § 711-1106. Harassment.
15. In Hilo, Hawaii on May 18th, 2008 at 319 Haili Street, Defendant Jeffrey Meek engaged in disorderly conduct Plaintiff Ellen O'Phelan in violation of HRS § 711-1101. Disorderly conduct causing damage to the property at the premises.
16. In Hilo, Hawaii on May 18th and May 19th, 2008, Defendant Jeffrey Meek and Defendant Marylou Askren trespassed on Plaintiff's property at 319 Haili Street in Hilo, Hawaii in violation of HRS § 708-814. Criminal trespass in the second degree and in violation of HRS § 708-813. Criminal Trespass in the first degree.
17. In Hilo, Hawaii on May 18th and May 19th, 2008, Defendant Jeffrey Meek and Defendant Marylou Askren trespassed on Plaintiff's property at 319 Haili Street in Hilo, Hawaii in violation of HRS § 708-815. Simple Trespass.

18. On May 18th, 2008 to the present day Defendant Marylou Askren trespassed on the chattels of Plaintiffs personal property;
19. On May 18th, 2008 and since that date, Defendant Marylou Askren engaged in the theft of personal property from Plaintiffs;
20. On May 18th, 2008, Defendant Marylou Askren conspired with Jeff Meek to unlawfully imprison and/or unlawfully imprisoned Plaintiff Ellen O'Phelan, in violation of HRS § 707-722, HRS § 707-721. Unlawful imprisonment in the second degree by sedation, removing her cell phone from her possession; removing her shoes from her possession, and removing her glasses from her possession in order that she could not escape and/or protect herself from harmed by Defendant Jeffrey Meek.
21. On May 18th, 2008, Defendant Marylou Askren unlawfully conspired with Defendant Jeff Meek and/or did did kidnap Plaintiff Ellen O'Phelan, in violation of HRS § 707-720. Kidnapping.
22. On May 18th, 2008, Defendant Marylou Askren unlawfully conspired with and/or did commit assault against Plaintiff Ellen O'Phelan in violation of HRS § 707-712 HRS § 707-711 and HRS § 707-710 by unlawfully inserting a sedative into the body of Plaintiff Ellen O'Phelan and attempting to mix said sedative with alcohol so that Plaintiff Ellen O'Phelan would be harmed and or unconscious and unable to defend and/or protect herself.
23. Both Defendants Marylou Askren and Defendant Jeff Meek committed of Burglary against Plaintiffs in violation of HRS § 708-811. Burglary in the second degree, HRS § 708-810. Burglary in the second degree,

24. Defendant Marylou Askren unlawfully distributed a prescription drug to Plaintiff Ellen O'Pheelan in violation of HRS § 328-6. Prohibited acts, HRS § 328-16, and HRS § 461-1.

25. Marylou Askren engaged in deceit, false statement, misrepresentation, and illegal conduct regarding the events that occurred on May 18th, 2008 and by doing so violated HRS § 710-1030. Hindering prosecution in the second degree, HRS and HRS § 710-1029. Hindering prosecution in the first degree.

26. Defendant Marylou Askren committed the tort of conversion with respect to Plaintiffs chattels.

27. Defendant Jeffrey Meek raped and battered Plaintiff Ellen O'Phelan against her will by coercion and insulted her in a disgusting and vile way.

28. On May 18th, 2008 Defendant Jeffrey Meek assaulted the four year old child of Plaintiffs and caused a deep bruise on her upper left shoulder in violation of the statutes regarding assault noted above in this complaint.

29. Defendants negligently caused harm to Plaintiffs and negligently caused emotional distress to Plaintiffs and Plaintiff's four year old child.

30. Defendants intentionally inflicted emotional distress on Plaintiffs and Plaintiff's four year old child.

REQUESTED RELIEF

31. As a result of Defendants wrongful conduct and conspiring together, Defendants are jointly and severally liable.

32. Plaintiffs seek compensation for pain and suffering, loss of consortium, loss of companionship, loss of value of property, and for all other damages available in tort for

negligence, assault, battery, intentional and negligent infliction of emotional distress, false imprisonment, and kidnapping.

33. Plaintiff's demand a jury trial and seek an amount of damages exceeding \$100,000.00 to be determined.

34. Plaintiffs seek out of pocket expenses, legal costs and fees in this action.

DATED at Hilo, Hawaii, on this 8^h day of August, 2008



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IN THE CIRCUIT COURT FOR THE THIRD CIRCUIT

STATE OF HAWAII

ELLEN O'PHELAN and DAN)	Civil No: 08-1-0257
O'PHELAN)	(Hilo)
)	(Tort)
Plaintiffs,)	
)	DEMAND FOR JURY TRIAL
vs.)	
)	
JEFFREY MEEK AND)	
MARYLOU ASKREN)	
)	
Defendants)	
)	
)	
)	

DEMAND FOR JURY TRIAL

Pursuant to the Seventh Amendment of the United States Constitution and Article I, Section 13 of the Hawaii Constitution, Plaintiffs hereby request a jury trial of all issues triable by jury in the above captioned matter against Defendants.

Dated: August 8th, 2008



Dan O'Phelan

STATE OF HAWAII CIRCUIT COURT OF THE THIRD CIRCUIT	SUMMONS TO ANSWER CIVIL COMPLAINT		CASE NUMBER
PLAINTIFF Dan O'Phelan and Ellen O'Phelan	vs.	DEFENDANT Jeffrey Meek and Marylou Askren	
PLAINTIFF'S ATTORNEY (NAME, ADDRESS, TEL. NO.) Dan O'Phelan 3101 Kachemak Drive Homer, AK 99603 1-866-529-2340 E-Mail: attorneydan@gmail.com			

TO THE DEFENDANT(S):

You are hereby summoned and required to serve upon plaintiff's attorney, whose address is stated above, an answer to the complaint which is attached. This action must be taken within twenty days after service of this summons upon you, exclusive of the day of service.

If you fail to make your answer within the twenty day time limit, judgment by default will be taken against you for the relief demanded in the complaint.

This summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a Judge of the District or Circuit Courts permits, in writing on the summons, personal delivery during those hours.

Failure to obey the summons may result in an entry of default and default judgment against the person summoned.

DATE ISSUED AUG 8 2008	CLERK J. YAGI (SEAL)	
I do hereby certify that this is a full, true, and correct copy of the original on file in this office.		CIRCUIT COURT CLERK



In accordance with the Americans with Disabilities Act and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the Circuit Court Administration Office at PHONE NO. 961-7440, FAX 961-7416, or TTY 961-7525 at least ten (10) working days prior to your hearing or appointment date.